

REMARKS

The Office Action of July 11, 2005 presents a Restriction Requirement, indicating 20 different groups of claims and further restricting the application to examination of any one of those groups to a single nucleotide acid or amino acid sequence. The Examiner requires election among:

Group I: claims 1, 2 and 8 directed to a purified polypeptide;

Group II: claims 3-7, 9-11 and 13 directed to an isolated nucleic acid, homologs, expression vectors and cells comprising the vector;

Group III: claim 12 directed to a cell membrane;

Group IV: claim 14, directed to a polynucleotide-based diagnostic method;

Group V: claim 15, directed to a polypeptide-based diagnostic method;

Group VI: claim 16, directed to a polynucleotide-based method for screening compounds for affecting NF-kB activity;

Group VII: claim 17, directed to a kit (for screening compounds for affecting NF-kB activity);

Group VIII: claims 18-20, directed to an antibody;

Group IX: claim 21, directed to an antisense polynucleotide of Group II;

Group X: claims 22 and 37, directed to a ribozyme;

Group XI: claims 30 and 31, directed to a method of treatment using the compounds identified by the method of Group V;

XII: claims 32 and 33, directed to pharmaceutical compositions comprising the compounds identified by the method of Group V;

XIII: claim 34, directed to a method for treating inflammation using a pharmaceutical composition produced by the method of Group VI;

XIV: claim 41, directed to a method for obtaining a novel gene;

XV: claim 42, directed to a computer medium storing the sequence of a polynucleotide or polypeptide;

XVI: claim 43, directed to a method for calculating sequence identity;

XVII: claim 44, directed to a substrate of a polynucleotide of Group II;

XVIII: claim 45, directed to a substrate of a polypeptide of Group I;

XIX: claims 23, 24, 38, 39, directed to double-stranded nucleic acids; and

XX: claims 25-29, 38 and 39, directed to double-stranded nucleic acids.

Applicants hereby elect the claims of Group II, claims 3-7, 9-11 and 13 for initial examination. Applicants further elect the nucleotide sequence represented by SEQ ID NO: 88. This election is made with traverse.

Applicants traverse the restriction requirement as drawn. In particular, Applicants submit that Groups XIX and XX should also be rejoined to Group II. The Examiner should consider that

the claims of Groups XIX and XX appear to be directed to siRNAs that affect expression of the elected polynucleotide of SEQ ID NO: 88.

The claims of Group XIX are directed to a double-stranded polynucleotide that comprises a part of the sequence of the elected sequence (claim 24 in particular). Applicants submit that, in the course of search for nucleotide sequences encompassed by claim 3, the Examiner will search both strands of any given sequence, e.g. the elected species SEQ ID NO: 88. A search of the entirety of SEQ ID NO: 88 should reveal sequences that constitute a part of it. Thus, there is no undue burden of search imposed upon the Examiner by including claims 23-29, 38 and 39 in Group II.

Should the Examiner agree to rejoin the claims of Groups XIX and XX, the pairing of SEQ ID NOS: 221 and 222 of claim 25, corresponding to portions of SEQ ID NO: 88, are elected as a species for initial examination. Should further specification of the sequences be required, i.e. specification of the nucleotides “N” at the 3’ end; Applicants elect the dinucleotide TT, as recited in the instant claim 26. Applicants submit that all six pairs of sequences listed in claim 25 should be examined and make this election with the understanding that, should the elected pair of SEQ ID NOS: 221 and 222 be found free of the prior art, the other pairs will be searched with an eye toward allowance of the generic claim.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mark J. Nuell, Registration No 36,623 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

- Attached is a Petition for Extension of Time.
- Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: August 10, 2005

Respectfully submitted,

By Mark J. Nuell
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